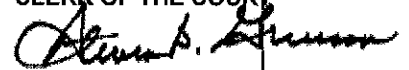


REPLY EXHIBIT “L”

REPLY EXHIBIT “L”

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1/21/2021 2:29 PM
Steven D. Grierson
CLERK OF THE COURT



1 **NOAS**

2 **CHRISTOPHER P. BURKE, ESQ.**
3 Nevada Bar No.: 004093
4 *atty@cburke.lvcoxmail.com*
5 218 S. Maryland Pkwy.
6 Las Vegas, Nevada 89101
7 (702) 385-7987
8 *Attorneys for Defendant*
9 *Elizabeth Ramsey*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 In re:

11 **EUGENE TUMBARELLO, an Individual,**
12 **SHAMROCK PAINTING, INC.,**

13 Plaintiffs/ Respondent

14 vs.

15
16 **ELIZABETH RAMSEY, an individual**
17 **et al.**

18 Defendant/Appellant

CASE NO.: A-17-763560-C
Dept. No.: XIX

19
20 **NOTICE OF APPEAL**

21 Notice is hereby given that Defendant/Appellant, Elizabeth Ramsey by and through
22 her counsel, Christopher P. Burke, Esq., hereby appeals to the Supreme Court of Nevada
23 from the ORDER DENYING RAMSEYS MOTION TO RECONSIDER ORDER ENTERED
24 ON OCTOBER 8, 2020, which was entered in this action on December 24, 2020, and the
25 ORDER DENYING JUDGMENT DEBTORS' CLAIMS OF EXEMPTION FROM
26 EXECUTION, GRANTING MOTION TO VOID HOMESTEAD ON 1201 WESTLUND
27
28

1 PROPERTY AND COMPELLING COMPLIANCE BY JUDGMENT DEBTOR ELIZABETH
2 RAMSEY entered on October 8, 2020 (Ex. 'A' and 'B'). The Notice of Entry of Order of the
3 Order denying motion to reconsider was served by United States Mail on December 24,
4 2020.
5

6 **Affirmation Pursuant to NRS 239B.030**

7 The Undersigned hereby affirm this documents does not contain the social security
8 number pursuant to NRS 239B.030.
9

10 Dated this 21st day of January, 2021.

11 By: /s/ Christopher P. Burke, Esq.
12 Christopher P. Burke, Esq.
13 Nevada Bar No.: 004093
14 218 S. Maryland Pkwy.
15 Las Vegas, NV 89101
16 (702) 385-7987
17
18
19
20
21
22
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28

CERTIFICATE OF SERVICE

I hereby certify that the 21st day of January, 2021, I pursuant to NRCP 5(b), I have deposited in the United States Mail at Las Vegas, Nevada, a true and correct copy of:

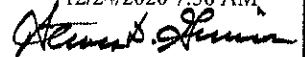
- NOTICE OF APPEAL

enclosed in a seal envelope upon which first class postage was fully prepaid addressed to the following:

R. Christopher Reade, Esq.
1333 North Buffalo Drive, Suite 210
Las Vegas, NV 89128

/s/ Adriana Pelayo
Employee of
Christopher P. Burke, Esq.

Ex. 'A'

ELECTRONICALLY SERVED
12/24/2020 7:30 AMElectronically Filed
12/24/2020 7:30 AM
CLERK OF THE COURT**ORD**

R. CHRISTOPHER READE, ESQ.
Nevada Bar No. 006791
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
CReade@crdslaw.com
Attorney for Plaintiffs

DISTRICT COURT**CLARK COUNTY, NEVADA**

EUGENE TUMBARELLO, an Individual,)
SHAMROCK PAINTING, INC.,)
Plaintiff,)

Case No. : A-17-763560-C

Dept. No.: XIX

vs.)

ELIZABETH RAMSEY, an Individual;)
GREGG CHAMBERS, an Individual; DOES 1)
through 100; and ROE BUSINESS ENTITIES I)
through C, inclusive,)

ARBITRATION EXEMPT**(Equitable, Declaratory and
Extraordinary Relief; Title to Real
Property)**

Defendants.)

**ORDER DENYING JUDGMENT DEBTOR ELIZABETH RAMSEY'S MOTION TO
RECONSIDER ORDER ENTERED OCTOBER 8TH, 2020**Date of Hearing: December 15th, 2020

Time of Hearing: 9:00 a.m.

Defendant/Judgment Debtor ELIZABETH RAMSEY's MOTION TO RECONSIDER
ORDER ENTERED OCTOBER 8TH, 2020, having come on for hearing on the 15th day of
December, 2020. Plaintiffs/Judgment Creditors EUGENE TUMBARELLO and SHAMROCK
PAINTING INC. being represented by their counsel R. Christopher Reade, Esq. of the law firm
of Cory Reade Dows & Shafer. Defendant/Judgment Debtor ELIZABETH RAMSEY being
represented by her counsel Steven L. Yarmy, Esq. The Court having reviewed the papers and
pleadings submitted on behalf of an by the respective parties, having read the Objections,

1 Motions and Oppositions. The Court having heard argument of the parties and their counsel and
2 for good cause appearing therefor, the Court hereby enters the following Findings of Fact,
3 Conclusions of Law and Judgment.

4 **FINDINGS OF FACT**

5 **THE COURT HEREBY FINDS** that Court properly cited and set forth the basis for its
6 ruling regarding the exemption pursuant to NRS 21.105 as reflected in its Order.

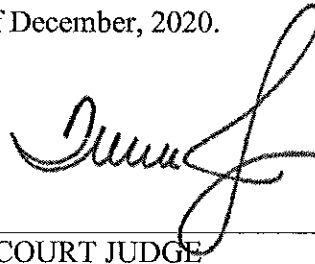
7 **THE COURT FURTHER FINDS** that Defendant/Judgment Debtor ELIZABETH
8 RAMSEY has not presented any bases for reconsideration of this Court's Order.

9 **ORDER**

10 **THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that by
11 Judgment Debtor ELIZABETH RAMSEY'S Motion for Reconsideration of the October 8th,
12 2020 Order is DENIED.

13 Dated this 24th day of December, 2020

14 **DATED AND DONE** this _____ day of December, 2020.

15
16
17
18 

19 DISTRICT COURT JUDGE

20 71A 021 C245 5467

21 Tierra Jones
Reviewed as to Form and Content:
District Court Judge
STEVEN L. YARMY

22 Submitted by:
23 CORY READE DOWS & SHAFER

24 By: /s/ R. Christopher Reade
25 R. CHRISTOPHER READE, ESQ.
26 Nevada Bar No. 006791
27 1333 North Buffalo Drive, Suite 210
28 Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Attorney for Plaintiffs/
Judgment Creditors

By: No Response Received
STEVEN L. YARMY, ESQ.
Nevada Bar No. 008733
7464 W. Sahara Avenue
Las Vegas, Nevada 89117
(702) 586-3513
Counsel for Judgment Debtor
ELIZABETH RAMSEY

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Eugene Tumbarello, Plaintiff(s) CASE NO: A-17-763560-C
7 vs. DEPT. NO. Department 19
8 Elizabeth Ramsey, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/24/2020

15 Benjamin Childs ben@benchilds.com
16 Jay Shafer jshafer@premierlegalgroup.com
17 Laurie Alderman lalderman@crdslaw.com
18 Leta Metz assistant@crdslaw.com
19 R. Reade create@crdslaw.com
20 Gregg Chambers gchambers831@yahoo.com
21 Steven Yarmy sly@stevenyarmylaw.com
22
23 Cenia Del Pozo cdelpozo@crdslaw.com
24
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26
27
28

Ex. 'B'

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10/08/2020 8:37 AM

Heather S. Hume
CLERK OF THE COURT

ORD

R. CHRISTOPHER READE, ESQ.
Nevada Bar No. 006791
CORY READE DOWS & SHAFER
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
CReade@premierlegalgroup.com
Attorney for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

EUGENE TUMBARELLO, an Individual,
SHAMROCK PAINTING, INC.,

Plaintiff,

vs.

ELIZABETH RAMSEY, an Individual;
GREGG CHAMBERS, an Individual; DOES 1
through 100; and ROE BUSINESS ENTITIES I
through C, inclusive,

Defendants.

Case No. : A-17-763560-C

Dept. No.: XIX

ARBITRATION EXEMPT

(Equitable, Declaratory and

**Extraordinary Relief; Title to Real
Property)**

**ORDER DENYING JUDGMENT DEBTORS' CLAIMS OF EXEMPTION FROM
EXECUTION, GRANTING MOTION TO VOID HOMESTEAD ON 1201 WESTLUND
PROPERTY AND COMPELLING COMPLIANCE BY JUDGMENT DEBTOR
ELIZABETH RAMSEY**

Date of Hearing: September 22nd, 2020

Time of Hearing: 9:00 a.m.

Plaintiffs/Judgment Creditors EUGENE TUMBARELLO and SHAMROCK PAINTING
INC.'s OBJECTION TO JUDGMENT DEBTORS' CLAIMS OF EXEMPTION FROM
EXECUTION AND MOTION TO VOID HOMESTEAD ON 1201 WESTLUND PROPERTY
AND COMPELLING COMPLIANCE BY JUDGMENT DEBTOR ELIZABETH RAMSEY,
having come on for hearing on the 15th day of September, 2020 and being continued until the
22nd day of September, 2020. Plaintiffs EUGENE TUMBARELLO and SHAMROCK

1 PAINTING INC. being represented by their counsel R. Christopher Reade, Esq. of the law firm
 2 of Cory Reade Dows & Shafer. Defendant ELIZABETH RAMSEY being represented by her
 3 counsel Steven L. Yarmy, Esq. The Court having reviewed the papers and pleadings submitted
 4 on behalf of an by the respective parties, having read the Objections, Motions and Oppositions.
 5 The Court having heard argument of the parties and their counsel and for good cause appearing
 6 therefor, the Court hereby enters the following Findings of Fact, Conclusions of Law and
 7 Judgment.
 8

9 FINDINGS OF FACT

10 **THE COURT HEREBY FINDS** the judgment debtor has the burden to prove that he or
 11 she is entitled to the claimed exemption. NRS 21.112(6).

12 **THE COURT FURTHER FINDS** that this Court has ruled in 2019 that any homestead
 13 asserted by Judgment Debtor ELIZABETH RAMSEY in and to the 1201 Westlund property does
 14 not apply because an individual using fraudulently obtained funds to purchase real property
 15 should not be protected by the homestead exemption because the exemption's purpose is to
 16 provide protection to individuals who file the homestead exemption in good faith and that
 17 Judgment Debtor ELIZABETH RAMSEY had failed to meet her burden to prove that Judgment
 18 Debtor is entitled to the claimed exemptions in the 1201 Westlund property. Maki v. Chong, 119
 19 Nev. 390, 394, 75 P.3d 376, 379 (2003).
 20

21 **THE COURT FURTHER FINDS** that pursuant to NRS 21.105 that Judgment Debtor
 22 RAMSEY is not entitled to any exemption to the proceeds of her bank account above \$400.00
 23 and that RAMSEY's claim for exemptions to her bank account are without merit and should be
 24 denied.
 25

26 **THE COURT FURTHER FINDS** that pursuant to NRS 21.105 that the court may
 27 require a judgment debtor to provide statements from the bank which include all deposits into
 28

1 and withdrawals from the account for the immediately preceding 90 days prior to the date of the
2 claim for exemption.

3 **THE COURT FURTHER FINDS** that Judgment Debtor ELIZABETH RAMSEY
4 remains in contempt of this Court's previous Orders regarding responding to post-judgment
5 discovery and attending her Judgment Debtor Examination.

6 **ORDER**

7
8 **THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that by
9 Judgment Debtor ELIZABETH RAMSEY'S Claim of Exemption in and to the 1201 Westlund
10 property is DENIED.

11 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Judgment Debtor
12 ELIZABETH RAMSEY's homestead in the 1201 Westlund Property shall be and hereby is
13 declared VOID.

14 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that by Judgment
15 Debtor ELIZABETH RAMSEY's Claim of Exemption in and to her Bank of America bank
16 accounts shall be and hereby are DENIED.

17
18 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Judgment Debtor
19 Ramsey shall on or before provide this Court and Judgment Creditors with all of her bank
20 statements for 90 days preceding the Claim of Execution, which would be all bank statements on
21 or after May 8th, 2020 to date.

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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Eugene Tumbarello, Plaintiff(s) CASE NO: A-17-763560-C
7 vs. DEPT. NO. Department 19
8 Elizabeth Ramsey, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/8/2020

15 Benjamin Childs ben@benchilds.com
16 Jay Shafer jshafer@premierlegalgroup.com
17 Laurie Alderman lalderman@crdslaw.com
18 Leta Metz assistant@crdslaw.com
19 R. Reade create@crdslaw.com
20 Brittany Wood bwood@mauricewood.com
21 Gregg Chambers gchambers831@yahoo.com
22 Steven Yarmy sly@stevenyarmylaw.com
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